

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

15-CR-148-A

ARAFAT NAGI,

Defendant.

PROTECTIVE ORDER

Upon the agreement of the parties requesting a Protective Order with respect to 3500 material and pre-trial submissions, which will be provided to defense counsel.

NOW, upon consideration thereof, it is hereby

ORDERED, that the government shall be permitted to file its pre-trial memorandum, witness list, and exhibit list under seal such that only the parties and the Court will have access to the government's pre-trial memorandum, witness list, and exhibit list; and it is further

ORDERED, that defense counsel shall not make or provide copies for the defendant or any third-parties of 3500 material, Giglio/impeachment information, the government's pre-trial memorandum, witness list, and exhibit list; and it is further

ORDERED, that defense counsel shall use the 3500 material, Giglio/impeachment information, the government's pre-trial memorandum, witness list, and exhibit list solely for

the purposes of trial preparation and trial; and it is further

ORDERED, that defense counsel shall not disclose the names of the witnesses appearing on the government's witness list to the defendant until 10 days prior to jury selection. In the event that defense counsel believes earlier disclosure to the defendant of a particular witness's name is necessary for effective trial preparation, defense counsel is permitted to seek relief from this protective order upon written motion or defense counsel can seek the government's written consent; and it is further

ORDERED, that counsel for the government shall endeavor to provide unredacted 3500 material and Giglio/impeachment information to defense counsel as expeditiously and as far in advance of trial as possible. In the event the government determines that the safety and security of a particular witness requires withholding disclosure of that particular witness's 3500 material and Giglio/impeachment information, defense counsel is permitted to file a motion with the Court's for it to consider whether or not to compel disclosure of the particular witness's 3500 material and Giglio/impeachment information; and it is further

ORDERED, that defense counsel shall return all 3500 material and Giglio/impeachment information to the government at the close of trial, except for those documents which are received in evidence; and it is further

ORDERED, that defense counsel shall maintain copies of the government's pre-trial memorandum, the government's witness list, the government's protected witness list, the

government's exhibit list, and/or the government's protected exhibit list in the attorney's file only and shall not provide copies to the defendant or any third parties upon the conclusion of the trial.

DATED: Buffalo, New York, January 9, 2018.

s/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
United States District Court